UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,047	06/29/2001	Santosh S. Chandrachood	CISCO-4306	9309

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EXAMINER
BATURAY, ALICIA

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/895,047	CHANDRACHOOD, SANTOSH S.
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 March 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>74-105</u> is/are pending in the application.

   4a) Of the above claim(s) <u>1-73</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>74-105</u> is/are rejected.

7)☒ Claim(s) <u>74-105</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 March 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>05272005</u>.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

1. This Office Action is in response to the amendment filed 21 March 2005.

2. Claims 1-73 have been canceled.

3. Claims 74-105 have been added.

4. Claims 74-105 are pending in this Office Action.

Response to Amendment

5. The rejection of claims 8, 14, 33, 52, 27, 46, 55, and 71 under 35 U.S.C. § 112, 2nd paragraph

has been addressed, and is withdrawn due to cancellation of aforementioned claims.

6. The objection to the drawing was addressed and is withdrawn.

7. Applicant's arguments filed 21 March 2005 have been fully considered but they are not

persuasive for the reasons set forth below.

Claim.Objections

8. Claims 74-105 are objected to because of the following informalities:

Claim 74 recites the limitation "A system for predictively responding."

Claims 82 and 90 recite the limitation "An apparatus for predictively responding."

Claim 98 recites the limitation "A program storage device, readable by machine, embodying

a program of instructions executable by the machine to perform a method of predictively

responding."

These claims do not indicate the use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or programs can be stored on a medium and/or executed by a computer. In other words the software must be ***computer-readable.*** The use of a computer is not evident in the claims. MPEP 2106.IV.B.1(a) refers to "computer-readable" medium with computer program encoded on it." The use of a **computer** has not been explicitly indicated. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 74, 75, 79, 82, 83, 87, 90, 91, 95, 98, 99, and 103 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chen et al. (U.S. 6,076,107).

11. With respect to claim 74, Chen discloses a method of predictively responding to a network management data request, the method comprising: determining if the network management data request contains a pattern defined in a memory; determining if the network management data request is contained in a cache of prefetched network management data requests if the network management data request contains a pattern defined in the memory (Chen, col. 6, line 65 – col. 7, line 2); sending a response based on the cached prefetched network

management data request if the network management data request is contained in the cache of prefetched network management data requests and if the network management data request contains a pattern defined in the memory (Chen, col. 7, lines 1-7); and initiating periodic data collections of the pattern if the network management data request is not contained in the cache of prefetched network management data requests but the network management data request contains a pattern defined in the memory (Chen, col. 7, lines 8-12).

12. With respect to claims 75, 83, 91, and 99, Chen discloses the method further comprising: transmitting the network management data request to a network management data core to respond to the network management data request if the network management data request does not contain a pattern defined in the memory (Chen, col. 3, lines 32-46).

13. With respect to claims 79, 87, 95, and 103, Chen discloses the method where the network management data request is a Simple Network Management Protocol (SNMP) request (Chen, col. 5, lines 3-7).

14. With respect to claim 82, Chen discloses an apparatus for predictively responding to a network management data request, the apparatus comprising: a request classifier configured to determine if the network management data request contains a pattern defined in a memory and further configured to determine if the network management data request is contained in a cache of prefetched network management data requests if the network management data request contains a pattern defined in the memory (Chen, col. 6, line 65 – col. 7, line 2); a sender coupled to the request classifier configured to send a response based on the cached

prefetched network management data request if the network management data request is

contained in the cache of prefetched network management data requests and if the network

management data request contains a pattern defined in the memory (Chen, col. 7, lines 1-7);

and a lookahead processor coupled to the request classifier configured to initiate periodic

data collections for the pattern if the network management data request is not contained in

the cache of prefetched network management data requests but the network management data

request contains a pattern defined in the memory (Chen, col. 7, lines 8-12).

15. With respect to claim 90, Chen discloses an apparatus for predictively responding to a

network management data request, the apparatus comprising: means for determining if the

network management data request contains a pattern defined in a memory; means for

determining if the network management data request is contained in a cache of prefetched

network management data requests if the network management data request contains a

pattern defined in the memory (Chen, col. 6, line 65 – col. 7, line 2); means for sending a

response based on the cached prefetched network management data request if the network

management data request is contained in the cache of prefetched network management data

requests and if the network management data request contains a pattern defined in the

memory (Chen, col. 7, lines 1-7); and means for initiating periodic data collections of the

pattern if the network management data request is not contained in the cache of prefetched

network management data requests but the network management data request contains a

pattern defined in the memory (Chen, col. 7, lines 8-12).

16. With respect to claim 98, Chen discloses a program storage device, readable by a machine,

embodying a program of instructions executable by the machine to perform a method for

predictively responding to a network management data request, the method comprising:

determining if the network management data request contains a pattern defined in a memory;

determining if the network management data request is contained in a cache of prefetched

network management data requests if the network management data request contains a

pattern defined in the memory (Chen, col. 6, line 65 – col. 7, line 2); sending a response

based on the cached prefetched network management data request if the network

management data request is contained in the cache of prefetched network management data

requests and if the network management data request contains a pattern defined in the

memory (Chen, col. 7, lines 1-7); and initiating periodic data collections of the pattern if the

network management data request is not contained in the cache of prefetched network

management data requests but the network management data request contains a pattern

defined in the memory (Chen, col. 7, lines 8-12).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18. Claims 76-78, 80, 81, 84-86, 88, 89, 92-94, 96, 97, 100-102, 104, and 105 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen and further in view of Case et al. ("Request for Comments: 1157").

19. With respect to claims 76, 84, 92, and 100, Chen discloses the use of a predetermined pattern comprising of one or more expected requests (Chen, col. 6, lines 50-62). But Chen does not expressly disclose what the pattern comprises of. However, Case does teach where the pattern is identified by a pattern; and the pattern ID comprises a community string (Case, page 13, last paragraph- page 14, first paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Chen and Case in order to minimize the amount of traffic generated by the network management function (Case, page 6, 5th paragraph).

20. With respect to claims 77, 85, 93, and 101, the combination of Chen and Case (Chen-Case) discloses the method where the pattern further comprises a periodicity of bursts for network management data requests containing the pattern (Chen, col. 6, lines 7-11).

21. With respect to claims 78, 86, 94, and 102, Chen-Case discloses the method where the initiating includes initiating periodic data collections at a rate matching the periodicity of bursts for network management data requests containing the pattern (Chen, col. 6, lines 7-11).

22. With respect to claims 80, 88, 96, and 104, Chen-Case discloses the method where the

pattern comprises a network management system IP address (Case, page 13, last paragraph –

page 14, first paragraph).

23. With respect to claims 81, 89, 97, and 105, Chen-Case discloses the method where the

pattern comprises a network management system port number (Case, page 13, last paragraph-

page 14, first paragraph).

Response to Arguments

24. Applicant's arguments filed 21 March 2005 have been fully considered, but they are not persuasive for the reasons set forth below.

25. *Applicant Argues:* Applicant states "Chen fails to teach or suggest 'determining if said network management data request contains a pattern defined in a memory' and 'determining if said network management data request is contained in a cache of prefetched network management data requests if said network management data request contains a pattern defined in said memory'... There is no determining if the network management data request contains a pattern defined in a memory, only a check of whether the request can be served by data in the cache."

In Response: The examiner respectfully submits that in Applicant defines a pattern, on page 19 of the specification, as comprising "one or more expected requests and the periodicity of the one or more requests." Chen teaches a method where data elements are retrieved because they are expected to be requested (one or more expected requests – see Chen, col. 5, lines 1-3), these related elements are retrieved as a response to a request for a single element because it is expected that the related elements will be soon be requested (periodicity of the one or more requests – see Chen, col. 6, lines 7-11).

Applicant also states in the specification that "If the request matches a pattern, request classifier looks for the corresponding response in the response cache." Chen teaches a

method where a request is sent to a SubAgent, and if the data elements in a row containing

that request have been stored locally (if the request matches a pattern – see Chen, col. 6, lines

65-67), the SubAgent returns the requested element from this store (request classifier looks

for the corresponding response in the response cache – see Chen, col. 6, line 67 – col. 7, line

2).

Therefore, Chen teaches a request related to a set of data that has previously been retrieved

(determining if the network management data request contains a pattern defined in a memory

– see Chen, col. 6, line 65 – col. 7, line 2).

Additionally, Chen teaches a request related to a set of data that has previously been retrieved

(determining if said network management data request is contained in a cache of prefetched

network management data requests), and retrieving the data corresponding to the request

from this set, (if said network management data request contains a pattern defined in said

memory - see Chen, col. 6, line 65 – col. 7, line 2).

26. *Applicant Argues:* Applicant states "Chen also fails to teach "initiating periodic data

collections for said pattern."

In Response: The examiner respectfully submits that Chen teaches that once a request is

received for a data element that is present in a new set of data, the data currently found in the

local store is discarded and the new data set is retrieved and stored (initiating periodic data

collections for the pattern – see Chen, col. 7, lines 8-12).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
May 31, 2005

BHARAT BAROT
PRIMARY EXAMINER